

City Council meeting regarding a neighbor's (Mr. Romstad, 3065 Bendelow) property and there have been landscape plans submitted as part of the file for that. The applicant has submitted escrow agreements for Vardon Road residents. Each resident he had spoken with personally has an agreement on file. Mr. Rosen asked the applicants if they found that process workable. Mr. Weaver commented that it worked. Mr. Rosen said it appeared that the outcome has been one of the better ones for a controversial, larger development with many neighbors. Since it had worked out fairly well, he suggested it might be a good model for the future.

Mr. Delacourt indicated that for each instance they added landscape plans, the Planning Department has been more assured that they will get taken care of than with any other project he has worked on. Mr. Weaver noted that they were made aware and they remain aware, by Staff, the Planning Commission and City Council that they needed to work the neighbors and that process started at the end of last year. They took that effort very seriously. He offered copies of the agreements for review and advised that they were using Comerica as their independent escrow agent.

Mr. Rosen said that given the controversy of a few years ago, and appreciating how the project has turned out, he can see that everyone bent a little bit and everyone came out much better than they otherwise would have, which was a good sign. He complimented everyone involved.

**Voice Vote:**

Ayes: All  
Nays: None  
Absent: None  
Excused Hooper

**MOTION CARRIED**

Mr. Kaiser asked when the Rochester Golf Course would close. Mr. Weaver said it would close on October 1<sup>st</sup>. Mr. Kaiser suggested they consider giving people, especially children, an opportunity to play golf for free. Mr. Weaver agreed that was a good idea and said they were considering it. Mr. Hooper joined the Commissioners.

**4. Revised Conditional Land Use – City File No. 98-014 (Public Hearing)**

Project: First Church of the Nazarene, a 22,986 square foot church and associated buildings on approximately 4.2 acres  
Location: South side of Walton Boulevard, east of Old Perch  
Request: Revised Conditional Land Use (Public Hearing)  
Parcel: 15-16-102-002, zoned R-1, One Family Residential  
Applicant: First Church of the Nazarene  
1705 Walton Blvd.  
Rochester Hills, MI 48309

(Reference: Staff Report prepared by Derek Delacourt, dated August 28, 2003 has been placed on file and by reference becomes part of the record hereof.)

Present for the applicant were Pastor Larry and Mrs. Ruth Crum of First Church of the Nazarene.

Mr. Delacourt stated that recently, the church received a letter from the City requiring the farmhouse on site to be connected with water and sewer. That led to a chain of events that brought the item before the Commission for a Revised Conditional Land Use Approval, including re-revealing of the site as a potential Historic District. The church requested a demolition permit from the Building Department for the farmhouse structure. Based upon that request, as liaison to the City's Historic Districts Commission, Mr. Delacourt had to go to the City Council to request review rights for one year for this potential Historic District in order to protect it from demolition. After several meetings, City Council determined not to grant those review rights, putting no restrictions on the property. It is still a potential Historic District, but that does not provide protection.

At the July 2003 City Council meeting, it was identified that the existing farmhouse and barn, or garage, was a topic of conversation during the original Land Use approval. It was indicated that those structures would remain on the Site Plans connected to the original Land Use approval.

In discussions with Mr. Staran, the City Attorney, it was determined that the most appropriate course of action would be to bring the existing approved Site Plan eventually before City Council to determine whether those structures had any impact regarding the recommendation for a Conditional Land Use. The church is asking for Revised Conditional Land Use approval based on the originally approved Site Plan, but with the knowledge that the applicants intend to remove at least the farmhouse. City Council would like it made clear from Planning Commission's recommendation whether that would impact the recommendation for Conditional Land Use.

Mr. Kaiser asked what had changed from when this item was first visited and what had changed about the intent to keep the buildings.

Mrs. Crum said that they originally felt they could fix the buildings but had not been in them. Once someone gave them a price to fix and bring them up to code, they decided it would be too expensive. They feel they could buy a nice house adjacent to the church for what it would cost to fix the farmhouse. It is also falling apart and the roof has been open for years. Halfway through the project, they said they did not want to keep the house and Staff said they would have to start from the beginning and do things in two phases – first build the church, then come back for the house.

Mr. Kaiser said that it boils down to whether the Commissioners want the applicants to keep the house and have it disintegrate into the ground someday or to spend the money to fix it. Mr. Delacourt said Mr. Staran advised that it came down to the criteria listed in the Ordinance for a Conditional Land Use and if the existence of those structures impacted those five criteria.

Ms. Holder said that she had been to the site and referenced the minutes from the City Council meeting, which noted that the building was in very bad shape. She felt the building was a detriment to the area and a danger. A few residents came to the Council meeting and indicated they wanted the building gone and that it was an eyesore. They sent letters about the house being broken into and drinking going on there. It is a possible liability for the church. The City has, for many years, been involved in a similar situation with a Historic District. The owners wanted to take down a building and the City has held onto it. There have been many dollars put into this and it has been going on for many years. She thinks that the church's building *will* fall down.

Mr. Rosen said he believed the house and garage do make a difference to the Conditional Land Use. He reviewed the minutes of the April 28, 1998 Special Planning Commission meeting regarding the request for a Special Land Use recommendation. He noted that at that time, he felt the church building was too long in a north-south direction and too narrow in the east-west direction. It was going to be fairly close to the houses to the south. He recalled that there was discussion about how the parking would be oriented because of the barn and house, and it necessitated that the building be located in this manner. Had it not been for the house and barn taking space along the east side, in retrospect, he might have made more of this issue and they might have gotten more into the layout of the structure. If the house were removed, he thought they would need to look at the Site Plan, and at the eastern property line buffer modification to see whether that modification was still appropriate and necessary. A finding in the Buffer Modification motion said that the existing wood barn was indicated on the concept plan and considered part of the Special Land Use approval by the City Council; otherwise, the purpose of the Ordinance could not be met. A condition stated, in part, "that the existing deciduous trees along the eastern property line be retained and maintained and that adequate plantings, consistent in an amount and pattern be approved by Staff to satisfy the six-foot obscuring intent of the Ordinance." He presumed that information probably did not have much to do with the Special Land Use approval at this point. If they had known about the building at the time it might have made a difference, but now they cannot do anything about it.

Mr. Kaiser advised that it could impact the Conditional Land Use approval recommendation. If what Mr. Rosen is suggesting might be the case, the buffer modification could be removed as a condition of the Planning Commission's recommendation. He believed that it did have something to do with the vote and that it ultimately could have something to do with City Council's vote. He noted that if they recommended the Revised Conditional Land Use this evening they would lose any leverage regarding the modification. Mr. Rosen clarified that would be the case because Staff indicated a Revised Site Plan did not have to be submitted.

Mr. Delacourt noted that if there were to be a change to a previously granted buffer modification, the applicant would have to submit a revised Site Plan. Mr. Kaiser explained that the buffer modification was, in part, approved because of the existing structure. Now that the Commission is being asked to allow the applicant to remove the existing structure there might not be a justification for the buffer modification.

Mr. Delacourt agreed that would be true unless the Revised Conditional Land Use dealt only with the farmhouse and not with the existing wood barn/garage. He did not think the church intended to remove that. Mrs. Crum said they would not be doing so at this time. Mr. Kaiser asked what that meant, noting they said that about the house previously, and now they want to remove it.

Mrs. Crum said the garage could be used and it could be fixed up. The house cannot be. Mr. Crum noted that the garage is on the eastern property line and that the berm runs up to this garage and continues on the other side. Taking the house down would have no effect on the berm, but he agreed that if the garage came down, they would have to complete the berm. He said he did not see a problem with that.

Mr. Kaiser agreed that removal of the house would not affect the buffer. Mr. Hooper felt the house removal should be independent of the barn, but that they both were in the same condition – poor and blighted. Mr. Crum said the garage roof and walls are solid. Mr. Hooper commented that the doors would not close and Mr. Crum replied that two of them do. Mr. Hooper felt that boarded up windows make this area look blighted. Regarding the buffer modification, he recalled they discussed that the existing vegetation used for the buffer was not on the church property, but rather on Huntington's property. He believed they discussed this issue because of the fact they would use vegetation from another property, along with theirs, to make the six-foot, obscuring berm. Mr. Crum said there are bushes on the church they have planted. It was Mr. Hooper's opinion that the Arbor Vitaes on Huntington's side were used for obscuring. He mentioned that the whole east side was not being taken care of – not being mowed, full of weeds, several trailers are parked there by the dumpster and the dumpster gates do not close. It seemed to him that this side of the property was being neglected. If he were a resident in Huntington Park he would be upset by the lack of maintenance. If the Commission does approve the removal of the house, he felt there would have to be some type of provision that the area not be left in the blighted condition it is now.

Mr. Kaiser wondered if they could make the Revised Conditional Land Use contingent upon the removal of the garage. It would require a buffer of some type to be constructed along the balance of the east side, which might motivate better care of the area. The applicants are not asking for permission to remove the garage, but he thought that perhaps that was needed.

Mr. Crum said that when they bought the property, there was a garage, a barn, another building the size of a one-car garage, and the house. The barn was to be for storage and they wanted to save it, but somehow it caught fire and burned down. They lost that as well as the other building. The church feels they need the garage to store lawn and other equipment. He said he did not have a problem being asked to fix the windows and paint the garage and clean the grounds.

Mr. Kaiser asked why, if the whole east side looks unkempt and blighted, it had not been cleaned up already. Mr. Crum said they took down the dead trees a few months ago and started to move toward cleaning up, but there was an issue with the house so

they decided to wait. However, they do not have a problem cleaning up the area. They do not want the garage taken down.

Mr. Kaiser commented that the applicants have not really shown the kind of commitment to the community the members are looking for, noting that this is a conditional use in a residential area. If there was not a problem cleaning it up, he wondered why it had not been done. Mr. Crum said that the work done for the church is on a volunteer basis and they did not want to do a lot of work around the house if they would be taking it down. He said that if the Commissioners want to put it in writing that the applicants are allowed to take down the house as long as they clean up the east area and paint the garage, they would abide by that.

Mr. Rosen thought it might be the right thing to take the garage down also and clean up the whole area. He said there has to be opportunities to store ordinary type of equipment someplace, but that building is on the property line, which now makes it a non-conforming structure. It has to be at least five feet from the property line. It made sense when the house and barn would have been there to let it stay, but now the circumstance is changing. It seemed to him that the whole area should be cleaned up.

Ms. Ruggiero said that she was very disappointed. She stressed that if this request had been made when they came in for a Special Land Use, she would have looked at the entire site differently. They would be dealing with another parcel of empty land and they would have to decide about buffers and other issues. There was a question about lighting and security on sight at the prior meeting, and the Commissioners were assured at that meeting that the existing house on the site would probably be occupied by an assistant pastor after renovation and "someone would be on site at all times." She wondered how they could use the house for the construction crew if it were so poor.

Mr. Crum replied that they had two desks in a little room in the house and a port-a-potty. They wanted to save the cost of bringing in a trailer.

Ms. Ruggiero asked why the Historic Districts Commission (HDC) was not encouraged to go forward with their review. Mr. Delacourt said there was nothing that discouraged or encouraged them. The process could go forward now. In 1999, the City did not have a standing Historic Districts Study Committee (HDSC), but the HDC appointed a committee to start a study. The committee was disbanded without producing a report. The current HDSC, based on their list of 26 potential historic districts, would be willing to study the property. The only thing requested was the review rights for one year. That has no bearing on whether the study goes forward, but there would be a one-year protection of the buildings while the study is being done.

Ms. Ruggiero commented that she really had no faith that things would be made "beautiful." She has been very disappointed with the condition of the old church site (1520 Walton). The signs are down and there are weeds, and as a member of this community, she is very concerned by this. Mrs. Crum answered that the church does not own that property. Ms. Ruggiero asked who owned it currently, and Mrs. Crum replied that the nursing home bought it in 1999.

Mr. Kaiser asked how long they felt it would take to bring the garage into a great state of repair and appearance and to clean up the balance of the east property. Mrs. Crum said she was unsure of all the work that would need to be done, but she felt it could be done before the cold weather set in. Ms. Kaiser said he did not want to debate it, but said the Commissioners need to know this information. The recommendation can be made that this request not be brought before City Council until that clean up is done. He said he fully realizes that a church is not a business and that they rely on volunteer work and offerings. He asked if sixty (60) days would work and said he did not want to leave it open-ended. Mr. Crum asked if they could have sixty (60) days to paint the garage, put in windows and figure out how to fix the garage doors, clean up the berm, and perhaps put on aluminum siding.

Ms. Holder asked Mrs. Crum about siding versus painting. She replied that she did not know what the requirements would be, and did not know how long it would take, but

they could do whatever was needed. She added that the windows have been broken into on the house weekly and they did not want to keep repairing them until they knew the outcome.

Mr. Holder asked if it was determined that there was no significant history behind the house. Mr. Delacourt was not sure, but in discussions with the HDC regarding the survey that was completed, the house was deemed to have potential historic significance based upon its architecture, because it is one of very few homes with that style remaining in the City. Even though it is in such poor condition, the integrity is still significant. Ms. Holder clarified that designation was based on the style and not because of any history behind the house. Mr. Delacourt replied that was correct - it was an original farm and had agricultural significance also.

Mr. Boswell said that he liked the idea of letting the applicants work on the garage. He visited the site and saw that the property looked pretty bad. He would wonder at what point, and who determines that, the clean up is satisfactory before going before City Council.

Mr. Delacourt reminded them that the Revised Conditional Land Use request is only a recommendation to City Council. City Council determines whether the conditions, including possibly one about cleaning up the property, are binding. Mr. Kaiser agreed, but if the Commissioners' recommendation is conditioned upon certain events, and those conditions are not met, Council could infer that the recommendation is other than for approval. Mr. Kaiser said he is hearing that the applicants are agreeing to clean up the property before the matter goes to City Council, which makes it not just a condition, but an agreement between the applicant and the City. He suggested adding several conditions and read them for the motion (see page ten).

Mr. Delacourt clarified that the first condition stated the existing farmhouse was to be removed. Mr. Kaiser replied that it did. Mr. Delacourt said he was not sure if they could remove the farmhouse without Council approving it first. Mr. Kaiser emphasized that this is a recommendation.

Mr. Rosen asked Mr. Delacourt about the percentage requirement for reconstruction of a structure. Mr. Delacourt read from the Ordinance and clarified that it was 75%. Mr. Rosen asked how much it would cost to refurbish the garage without the use of volunteers. He explained that the Ordinance is written on the basis that payment would be made to have structural work done. He asked if they needed to do any type of structural work. Mr. Crum replied that he thought just the garage doors needed work and that the roof was fine. He felt that painting and adding windows would be sufficient. Mr. Rosen said that if a structure were three-quarters destroyed and non-conforming, it could not be rebuilt. Mr. Rosen said the house would easily approach that percentage and could not be re-built in any event. He asked if the house was non-conforming and Mr. Delacourt replied that he did not believe so. Mr. Anzek measured and confirmed that it met the front and side setbacks.

Mr. Kaiser opened the Public Hearing at 8:35 p.m.

**Mr. Chris Boyle, 1692 Black Maple, Rochester Hills, MI** Mr. Boyle stated that he lives adjacent to the church property. He looked over that property very carefully and concluded that there was not a stick worth saving in the house. He looked at the garage, not quite as critically, but felt that should be torn down also. To bring it up to good condition would surely cost more than a new building. He noted that when an old building is renovated, it does not necessarily come out like you would want.

Mr. Kaiser closed the Public Hearing.

Ms. Brnabic wanted it clarified that the garage structure was totally solid inside and out, with the exception of the windows. Mr. Crum answered that as far as he knew, it was. He did not see anything inside that needed to be done structurally. Mrs. Crum suggested that they could have someone check the building out so they would not miss something.

**MOTION** by Holder, seconded by Kaltsounis, in the matter of City File No. 98-014 (First Church of the Nazarene), the Planning Commission **RECOMMENDS CITY COUNCIL APPROVE THE REVISED CONDITIONAL LAND USE** for the First Church of the Nazarene located at 1705 Walton, based on site plans dated approved by the Planning Department October 5, 2000 with the following six (6) findings and subject to the following three (3) conditions:

FINDINGS:

1. The existing development does promote the intent and purpose of this chapter.
2. The subject site has been designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.
3. The subject site is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
4. The subject site is not detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
5. The subject site does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.
6. The Principal Use and Conditional Land Use recommendation is not impacted by the existing farmhouse or outbuilding.

CONDITIONS:

1. That the Site Plan and Conditional Land Use show that the existing farmhouse is to be removed.
2. That the existing garage is to be refurbished, structurally and aesthetically, within 60 days from today's date (September 2, 2003) in a manner as approved by Staff, as agreed upon by the applicant this evening and before bringing the final decision about a Revised Conditional Land Use before City Council.
3. That the eastern property line is to be groomed and cleaned, consistent with City standards and as approved by City Staff within the same 60 day period.

Mr. Hooper asked if the movers of the motion would wish to add a condition about removal of recreational vehicles from the eastern side of the property. Mr. Kaiser felt that would be included in Condition 3. Mr. Hooper advised that it should be specified. Mr. Kaiser asked about the vehicles and Mrs. Crum replied that the church owns the vehicles. The trailer is used when the teens go on tour and the pop-up camper was donated and used for church camp. She added they are used all the time. Mr. Hooper felt those vehicles should be stored, rather than exposed all the time. Mr. Rosen commented that he would not be allowed to leave vehicles on his property in that way. Ms. Holder indicated that they were not vehicles, but rather trailers. Mr. Kaiser suggested having the Code Enforcement staff look at that area and report to the Planning Department.

Ms. Ruggiero asked what they plan to do with the property when the house is torn down. Mrs. Crum replied that as the church grows, they might decide to put a parking lot there, but they did not have plans at this time. Ms. Ruggiero reiterated that her original review would have been totally different if she had known about the circumstances being discussed.

Mr. Boyle asked if the Chairman would include an option in the motion that the church could tear down the garage if they found it necessary. Mr. Kaiser stated that tearing it down would mean they would put something else up, given the description of its use, and the Planning Commission was not prepared to do anything about that this evening. Mr. Boyle asked if the condition meant they could leave the garage in place. Mr. Kaiser said the tearing down of the house would require a review of the buffer modification previously obtained, which would not be a separate issue. Mr. Rosen felt it should be dealt with now.

Ms. Holder said she felt the condition explained that Staff would look at the structure of the existing garage. Mr. Kaiser agreed and said Staff would approve it structurally, and if it were not sound, the applicant would have to come back regarding that.

Mr. Hooper observed that if the church had a van, camper, trailers, etc., they probably should have planned a place to store everything. He asked if there was any consideration given to that. Mrs. Crum responded that they always stored them outside at the old location so they never did consider it.

Ms. Holder asked if there was room inside the garage to put a few vehicles. Mr. Crum said they would look at that, but the height might be a problem. Mr. Kaiser suggested that Staff would help determine how to deal with violations, if any.

**Roll call vote:**

Ayes: Boswell, Brnabic, Holder, Kaiser, Kaltsounis, Myers  
Nays: Hooper, Rosen, Ruggiero  
Absent: None

**MOTION CARRIED**

Mr. Kaiser advised that City Council would hear the Planning Commission's recommendation in, hopefully, about 60 days, and he wished the applicants good luck.

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**ANY OTHER BUSINESS:** None

**NEXT MEETING DATE:**

The Chair reminded Commissioners that the next regular meeting is scheduled for September 16, 2003.

**ADJOURNMENT:**

Hearing no further business to come before the Planning Commission, Mr. Rosen made a motion and the Chair adjourned the regular meeting at 8:45 p.m., Michigan time.

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Eric Kaiser, Chairperson

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Maureen Gentry, Recording Secretary

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